



# Fiduciary Board

Arizona State Courts Building  
1501 West Washington Street, Phoenix, Arizona 85007  
Hearing Room 109

**January 11, 2018**  
**10:30 A.M.**

## **Approved Regular Meeting Minutes**

### **MEMBER ATTENDANCE:**

#### **Present:**

Deborah Primock  
Elaine Acosta Sweet  
Gary L. Krcmarik  
Catherine Robbins

#### **Telephonically Present:**

Hon. Jay M. Polk  
Emily Kile  
Leonard Montanaro  
Diana M. Corry  
Teresa Lancaster

#### **Absent:**

### **OTHER ATTENDEES:**

#### **AOC Staff:**

Mark Wilson  
Michelle Martinez  
Hal White  
Pasquale Fontana  
William MacIntyre  
Arnita Oliver

#### **Guests:**

Jenni Goldman  
Amy Tanner  
Patricia Flores

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## CALL TO ORDER

*Called to Order By:* Deborah Primock

*Time:* 10:31 a.m.

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### 1) REVIEW AND APPROVAL OF MINUTES:

*1-A: Review, discussion and possible action regarding the regular session minutes of the interim meeting held on October 3, 2017.*

*Individual Addressing the Board:* Deborah Primock

*Discussion:* None

*Motion:* Consideration of and Motion to accept the regular session minutes of the interim meeting held on October 3, 2017.

*Motion Proposals:* First Catherine Robbins  
Second Elaine Sweet

*Motion Results:* Pass

*1-B: Review, discussion and possible action regarding the regular session minutes of the meeting held on November 16, 2017.*

*Individual Addressing the Board:* Deborah Primock

*Discussion:* None

*Motion:* Consideration of and Motion to accept the regular session minutes of the meeting held on November 16, 2017.

*Motion Proposals:* First Jay Polk  
Second Gary Krcmarik

*Motion Results:* Pass

*1-C: Review, discussion and possible action regarding the regular session minutes of the interim meeting held on December 4, 2017.*

*Individual Addressing the Board:* Deborah Primock

*Discussion:* None

**Motion:** Consideration and Motion to accept the regular session minutes of the interim meeting held on December 4, 2017.

**Motion Proposals:** First Elaine Sweet  
Second Catherine Robbins

**Motion Results:** Pass

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**2) PENDING COMPLAINTS:**

**2-A:** *Review, discussion and possible action regarding complaint number 16-0018, involving licensee, Patricia Flores.*

**Individual Addressing the Board:** Mark Wilson

**Discussion:** Although the original recommendation for this matter was for censure, given recent facts discovered concerning a court order impacting the timeline of events, it is recommended the Board dismiss complaint number 16-0008 without prejudice.

**Motion:** Consideration of and motion to accept staff's recommendation.

**Motion Proposals:** First Gary Krcmarik  
Second Catherine Robbins

**Motion Results:** Pass

**2-B:** *Review, discussion and possible action regarding complaint numbers 17-0018, 17-0019 and 17-0020, involving licensees Ayudando Alpha, Inc. and Bradley Torch.*

**Individual Addressing the Board:** Pasquale Fontana

**Discussion:** It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Ayudando Alpha, Inc. has committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 17-0018, 17-0019 and 17-0020.

It is recommended the Board enter finding grounds for formal disciplinary action exists pursuant to Arizona Code of Judicial Administration ("ACJA:" § 7-201(H)(6)(a) for act(s) of misconduct involving: (1) ACJA §§ 7-201(F)(4), 7-201(H)(3)(c)(1), 7-201(H)(6)(a) and (k)(2),(6), (7), (8), and (12); 7-202(J)(1)(a) and (b); 7-202(J)(2)(a) and (b)(1); 7-202(J)(5)(h); A.R.S. § 13-1801(A)(12) and (13) and A.R.S. § 13-1802(A)(1) and (2). As further described in the Investigative Summary, Ayudando Alpha, Inc. violated these provisions by (a) committing mail fraud, aggravated identity

theft, and money laundering; (b) failing to marshal and secure the property and income of a protected person; (c) failing to comply with a Superior Court Order to file proof of restriction of a protected person's account and withdrew money from that restricted account without the Court's approval and (d) failing to respond to the Complaint against its licensure.

It is further recommended the Board revoke Ayudando Alpha, Inc.'s license.

It is further recommended that all other complaints concerning Ayudando Alpha, Inc. be held in abeyance.

**Motion:** Consideration of and motion to accept staff's recommendation.

**Motion Proposals:** First Gary Krcmarik  
Second Hon. Jay M. Polk

**Motion Results:** Pass

**Individual Addressing the Board:** Pasquale Fontana

**Discussion:** It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Bradley Torch has committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint numbers 17-0018, 17-0019, and 17-0020.

It is recommended the Board enter a finding grounds for formal disciplinary action exists pursuant to Arizona Code of Judicial Administration ("ACJA") § 7-201(H)(6)(a) for act(s) of misconduct involving; (i) ACJA §§ 7-201(E)(2)(c)(2)(b)(i) by committing material misrepresentation and dishonesty on his initial fiduciary license application; (ii) ACJA § 7-201(E)(2)(c)(2)(b)(xiv) for making false or misleading statements to the Division in support of his application for licensure; (iii) 7-201(H)(6)(a), (h) and (k)(2), (6), (7), and (8); 7-202(J)(1)(a) and (b); 7-202(J)(1)(a); 7-202(J)(3)(e); 7-202(J)(5)(j); A.R.S. § 13-1801(A)(12) and (13) and A.R.S. § 13-1802(A)(2) by failing to marshal and secure financial assets of a protected persons estate; (iv) ACJA § 7-202(H)(6)(a) and (K)(2) by failing to timely comply with a court order to file proof of a restricted account; (v) ACJA § 7-202(J)(1)(a) and (F)(10) by failing to report to the Division or Board the federal indictment naming Ayudando Alpha, Inc., (vi) ACJA § 7-201(H)(6)(a) and (c) and 7-202(J)(1)(a) for failure to cooperate with the Division's investigation. The forgoing is all further described in the Investigative Summary.

It is further recommended the Board revoke Bradley Torch's license.

It is further recommended that all other complaints concerning Bradley Torch be held in abeyance.

**Motion:** Consideration of and motion to accept staff's recommendation

**Motion Proposals:** First Elaine Acosta Sweet  
Second Gary Krcmarik

**Motion Results:** Pass

**2-C:** *Review, discussion and possible action regarding complaint number 17-0015, involving licensee Krista Cline.*

**Individual Addressing the Board:** Pasquale Fontana

**Discussion:** It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Krista Cline has committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 17-0015.

It is recommended the Board enter a finding grounds for formal disciplinary action exists pursuant to Arizona Code of Judicial Administration ("ACJA") § 7-201(H)(6)(a) for act(s) of misconduct involving: (i) ACJA §7-201(H)(6)(a) and A.R.S. § 46-454 for refusal to provide records to Adult Protective Services; (ii) AJCA §§ 7-201(H)(6)(a),(h) and (k)(6), (7) and (8); 7-202(J)(1)(a); 7-202(J)(2)(a), (b)(1) and (d); 7-202(J)(3),(5) and (7); A.R.S. § 13-1801(A)(12) and (13); A.R.S. § 13-1802(A)(1) and (2); and A.R.S. § 46-456 for mismanaging or misappropriating client funds and acting in an unprofessional manner; (iii) ACJA §§ 7-201(H)(6)(a) and (c); 7-202(J)(1)(a), and 7-202(J)(7) for failing to cooperate with the investigation; and (iv) ACJA §§ 7-201(H)(6)(j) and 7-201(E)(2)(c)(2)(b)(ii) and (xiv) for making false statements to the Division.

It is further recommended the Board and revoke the license of Krista Cline.

**Motion:** Consideration of and motion to accept staff's recommendation

**Motion Proposals:** First Catherine Robbins  
Second Hon. Jay M. Polk

**Motion Results:** Pass

**2-D:** *Review, discussion and possible action regarding complaint numbers 17-0016 and 17-0017, involving licensees Arizona Department of Veterans Services and Lori Braddock.*

**Individual Addressing the Board:** William MacIntyre

**Discussion:** It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Lori Braddock/ADVS have not committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint numbers 17-0016/0017.

It is further recommended the Board dismiss complaint numbers 17-0016/0017 without prejudice.

**Motion:** Consideration of and motion to accept staff's recommendation.

**Motion Proposals:** First Elaine Acosta Sweet  
Second Diana Corry

**Motion Results:** Pass

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### **3) INITIAL LICENSURE AND ELIGIBILITY:**

**3-A:** *Review, discussion and possible action regarding the following applications for initial individual and business licensure:*

**Individual Addressing the Board:** Mark Wilson

**Discussion:** It is recommended to grant initial licensure to the following applicants:

1. Meagan Adams
2. Ruth Covey
3. Karen Kochhar
4. Cherie Olivas
5. Nicole Surran
6. Pablo Valencia

**Motion:** Consideration of and motion to accept staff's recommendation

**Motion Proposals:** First Diana Corry  
Second Hon. Jay M. Polk

**Motion Results:** Pass

**Individual Addressing the Board:** Mark Wilson

**Discussion:** It is recommended to grant initial licensure certification to the following applicant:  
7. Premier Fiduciary Services, LLC (Designated Principal Kurt Tittelbach)

**Motion:** Consideration of and motion to accept staff's recommendation

**Motion Proposals:** First Elaine Sweet  
Second Gary Krcmarik

**Motion Results:** Pass

**Individual Addressing the Board:** Mark Wilson

**Discussion:** It is recommended to grant initial licensure certification to the following applicant:  
8. Kile & Kupiszewski Law Firm, LLC (Designated Principal Emily Kile)

**Motion:** Consideration of and motion to accept staff's recommendation

**Motion Proposals:** First Elaine Sweet  
Second Diana Corry

**Motion Results:** Pass

**Recusals:** Emily Kile  
Hon. Jay M. Polk

**Individual Addressing the Board:** Mark Wilson

**Discussion:** It is recommended to grant initial licensure to the following applicant:  
9. Elizabeth Posey

**Motion:** Consideration of and motion to accept staff's recommendation

**Motion Proposals:** First Catherine Robbins  
Second Diana Corry

**Motion Results:** Pass

**Individual Addressing the Board:** Mark Wilson

**Discussion:** It is recommended to grant initial licensure to the following applicant:  
10. Tamara Varga

**Motion:** Consideration of and motion to accept staff's recommendation

**Motion Proposals:** First Emily Kile  
Second Catherine Robbins

**Motion Results:** Pass

**Individual Addressing the Board:** Mark Wilson

**Discussion:** It is recommended to grant initial licensure to the following applicant with Non-Disclosure Language:  
11. Singer Management Services, LLC.

**Motion:** Consideration of and motion to accept staff's recommendation

**Motion Proposals:** First Elaine Acosta Sweet  
Second Gary Krcmarik

**Motion Results:** Pass

**Individual Addressing the Board:** Hal White

**Discussion:** It is recommended to deny licensure for the following applicant for violations of ACJA §§ 7-201(E)(1)(A)(c)(3), and (2)(c)(2)(b)(iii), (v) and (xv):  
12. Pamela Ann Smith.

**Motion:** Consideration of and motion to accept staff's recommendation

**Motion Proposals:** First Catherine Robbins  
Second Elaine Acosta Sweet

**Motion Results:** Pass

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#### **4) RENEWAL OF LICENSURE APPLICATIONS:**

##### **4-A: Review, discussion and possible action regarding the application for renewal of individual licensure for Patricia Hall.**

**Individual Addressing the Board:** Mark Wilson

**Discussion:** Division recommends the denial of Ms. Hall's renewal of individual fiduciary license, pursuant to ACJA § 7-201(H)(6)(c) for failing to respond to multiple communications from Division Staff and ACJA § 7-201 (H)(6)(a), for failing to complete her mandated continuing education

**Motion:** Consideration of and motion to accept staff's recommendation

**Motion Proposals:** First Gary Krcmarik  
Second Catherine Robbins

**Motion Results:** Pass



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**5) ADMINISTRATIVE ISSUES:**

***Discussion:*** None

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**CALL TO THE PUBLIC**

***Individuals Addressing the Board:*** None

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**ADJOURNMENT**

***Motion:*** Move to adjourn.

***Motion Proposals:*** First Elaine Acosta Sweet  
Second Catherine Robbins

***Motion Results:*** Pass

***Time:*** 11:42 a.m

Initials: AO